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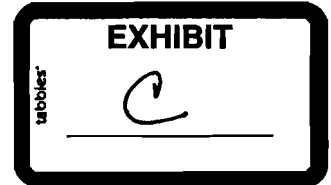
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Rachel Moreland
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April 20, 2010
Fax-on-demand: (202) 693-9401

Joseph Main, Secretary
Mine Safety and Health Administration (MSHA)
1100 Wilson Boulevard, 21st Floor
Arlington, VA 22209-3939



Re: Public Hearing Request

Dear Secretary Main:

We represent Marlene Griffith. Ms. Griffith's husband William I. Griffith was killed in the Upper Big Branch Mine disaster. Pursuant to the Mine Act, Federal Mine Safety & Health Act of 1977, Public Law 91-173, as amended by Public Law 95-164 103 (b), 30 U.S.C. Section 813(b), we hereby request that the secretary hold a public hearing on the Upper Big Branch mine accident that occurred on April 5, 2010. We ask that the hearing be held publicly and formally. We ask that the Secretary set a time, date, and procedure for a public hearing as soon as possible.

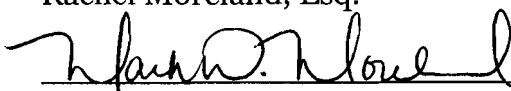
Further, in accordance with the Mine Act we request that the Mine Safety and Health Administration (MSHA) carry out its statutory responsibility to (1) Determine the cause(s), including possible contributory causes, of the explosion; (2) identify and develop corrective actions, procedures and strategies to prevent the occurrence of similar accidents; (3) obtain, utilize, and disseminate information related to the health and safety conditions at the Upper Big Branch Mine; and (4) gather information with respect to mandatory safety and health standards.

Sincerely,

MORELAND & MORELAND, L.C.



Rachel Moreland, Esq.



Mark D. Moreland, Esq.





l.c.

April 23, 2010

Fax-on-demand: (202) 693-9401

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Joseph Main, Secretary
Mine Safety and Health Administration (MSHA)
1100 Wilson Boulevard, 21st Floor
Arlington, VA 22209-3939

Re: Renewed Public Hearing Request

Dear Secretary Main:

We represent Marlene Griffith. Ms. Griffith's husband William I. Griffith was killed in the Upper Big Branch Mine disaster. On April 20, 2010, pursuant to the Mine Act, Federal Mine Safety & Health Act of 1977, Public Law 91-173, as amended by Public Law 95-164 103 (b), 30 U.S.C. Section 813(b), we requested that the secretary hold a public hearing on the Upper Big Branch mine accident that occurred on April 5, 2010. We asked that the hearing be held publicly and formally. To date we have received no response to our request.

Time is of the essence. It is our understanding that MSHA will begin witness interviews on Tuesday. Family members deserve and demand full transparency and a voice as they go through what is undoubtedly the most difficult time of their lives.

Please respond to this most urgent request.

Sincerely,

MORELAND & MORELAND, L.C.



Rachel Moreland, Esq.



Mark D. Moreland, Esq.

cc: Marlene Griffith





l.c.

April 26, 2010

Fax-on-demand: (202) 693-9401

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Joseph Main, Secretary
Mine Safety and Health Administration (MSHA)
1100 Wilson Boulevard, 21st Floor
Arlington, VA 22209-3939

Dear Secretary Main:

We represent Marlene Griffith. Ms. Griffith's husband William I. Griffith was killed in the Upper Big Branch Mine disaster. On April 20, 2010 and again on April 23, 2010 we requested a public hearing pursuant to the Mine Act. To date we have received neither a response to our request nor an acknowledgment that it has been received.

Today we filed notice that we have been designated miners' representatives in accordance with 30 CFR 40.1 et. seq.. Accordingly, our office contacted Tim Watkins, Assistant District Mgr., assistant to Norman Page, by telephone. Mr. Watkins indicated that miners' representatives would not necessarily be allowed to attend interviews. We have been given no bases for this restriction other than the "legalities" of the request are being considered. If MSHA's policy on this investigation is to exclude miners' representatives from interviews or other parts of the investigation, we ask that you reconsider this determination.

We respectfully submit that standard procedures must apply to ensure consistency, accountability, and efficiency. An overview of past investigations instructs that family representatives and miner representatives have been allowed to attend witness interviews. Importantly, miners' representatives were allowed to attend thirty plus witness interviews in the Kentucky Darby Disaster (Harlan County, KY: May 20, 2006). The investigation of a double fatality that occurred at Stillhouse Mining (Harlan County, KY: August 3, 2005) allowed attendance of miners' representatives at witness interviews. The investigation of a single miner accident, David Morris Jr., Harlan County, KY: December 30, 2005, allowed the attendance of **both miners' representatives and family representatives** at witness interviews. Accordingly, following its own precedent and past procedure, MSHA should include miners' representatives in witness interviews.



Joseph Main, Secretary
Mine Safety and Health Administration (MSHA)
April 26, 2010
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The investigation of the Upper Big Branch disaster must not exclude the independent voices of the miners or the families of the victims. In that connection we ask for a meeting at your earliest convenience to discuss our request for public hearing and/or any of the issues raised in this and prior correspondence.

We look forward to your response and will make ourselves available at your earliest convenience.

Sincerely,

MORELAND & MORELAND, L.C.


Rachel Moreland, Esq.


Mark D. Moreland, Esq.

cc: Secretary Hilda Solis - VIA FAX (202)693-6111